

REMARKS/ARGUMENTS

The Office Action mailed July 12, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 13 and 23 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The text of claims 14-17 is unchanged, but their meaning is changed because they depend from amended claim 13. The text of claim 24 is unchanged, but its meaning is changed because it depends from amended claim 23.

New claims 25-46 also particularly point out and distinctly claim subject matter regarded as the invention. Claims 25-36 are means-plus-function claims corresponding to method claims 1-12. Claims 37-41 are means-plus-function claims corresponding to method claims 13-17. Claims 42-46 are means-plus-function claims corresponding to claims 18-22.

Informal Objections

Claim 23 stands objected to for various informalities. With this Amendment, claim 23 has been amended accordingly.

With this Amendment it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 102 Rejection

Claims 1, 13, 18 and 23 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Kodama^{1, 2}. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.³

Claims 1 and 13

Claim 1

Claim 1 recites:

A method for peer-to-peer database synchronization between a first computer and a second computer, the method comprising the steps of:

- a) extracting changes from a source database of the first computer to generate an extracted database;
- b) transferring the extracted database from the first computer to the second computer; and
- c) replicating the source database on a target database of the second computer from the extracted database in order to synchronize the target database with the source database.

The Examiner states:

As per claims 1 and 13, Kodama teaches the following:

"peer-to-peer database synchronization between a first computer and a second computer" at Fig. 1 and col. 3, lines 59-67 where databases on a master and a replica machines synchronize each other;

¹ U.S. Patent No. 6,374,262 to Kodama.

² Office Action dated July 12, 2004, ¶ 2.

³ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"a) extracting changes from a source database of the first computer to generate an extracted database" at col. 4, lines 11-16 where the replica machine extracts changes to create replica differentials;
 "b) transferring the extracted database from the first computer to the second computer" at col. 4, lines 11-16 where the replica machine transfers extracted differentials to the master machine; and
 "c) replicating the source database on a target database of the second computer from the extracted database in order to synchronize the target database with the source database" at col. 4, lines 23-27 where the replica differentials are reflected to the master machine database.⁴

The Applicants respectfully disagree. Contrary to the Examiner's statement, Kodama does not disclose peer-to-peer database synchronization between a first computer and a second computer. Rather, Kodama discloses a relational database synchronization method for synchronizing master data with data of *replica machines*, which data is updated usually with the replica machines disconnected from a *master machine*.⁵ Kodama states further:

An object of the present invention is to provide a relational database synchronization method for synchronizing data of a relational database held by a *master machine* with duplications of the same data held by *replica machines* which are usually operated in a manner disconnected from the master machine.⁶

The Applicants respectfully submit that equating a *peer-to-peer* database synchronization with synchronization between a database held by a *master* machine and a database held by *replica* machines is improper.

Also contrary to the Examiner's statement, Kodama does not disclose replicating the source database on a target database of the second computer from the extracted database in order to synchronize the target database with the source database. Kodama recites:

⁴ Office Action ¶ 2.

⁵ Kodama, Abstract.

⁶ Kodama col. 2 lines 35-40. (emphasis added)

In FIG. 1, a master machine 1 holds master data 2 of a relational database as common data. The master machine 1 is connected permanently to a network 3. A replica machine 4 holds replica data 5 which is a duplication of *part* of the master data 2.⁷

Kodama also states:

The replica machine 13n operates using a replica database 31 which is a duplication of *part* of the master data.⁸

Because Kodama discloses replicating only *part* of the master data, it cannot be said that Kodama discloses replicating *the source database*. The Examiner is reminded that the mere absence from a reference of an explicit requirement of a claim cannot be reasonably construed as an affirmative statement that the requirement is in the reference.⁹

Therefore, the 35 U.S.C. § 102 rejection of claim 1 based on Kodama is unsupported by the art and the 35 U.S.C. § 102 rejection should be withdrawn.

Claim 13

Claim 13 as amended includes limitations similar to claim 1. Claim 1 being allowable, claims 13 must also be allowable for at least the same reasons.

Claims 18 and 23

Claim 18 recites:

A method for synchronizing databases of multiple users in a peer-to-peer network wherein one of the users is designated an initiating user, the method comprising the steps of:

- a) extracting changes from a respective database of each of the users;
- b) sending the changes from each of the users to the initiating user;
- c) replicating the changes from each of the users onto the database of the initiating user;

⁷ Kodama col. 3 lines 60-64. (emphasis added)

⁸ Kodama col. 5 lines 35-36. (emphasis added)

⁹ *In re Evanega*, 829 F.2d 1110, 4 USPQ2d 1249 (Fed. Cir. 1987).

- d) sending the changes on the database of the initiating user to each of the other users;
and
- e) replicating the changes on a respective database of each user in order to synchronize the databases of all of the users.

The Examiner states:

As per claims 18 and 23, Kodama teaches the following:

"a plurality of computers in a peer-to-peer network, wherein one of the computers is designated an initiating computer, each computer having a database and software" at Fig. 1, elements 1, 4-4n and col. 3, line 59-col. 4, line 52 where the master computer is the initiating computer and replica machines 4-4n are a plurality of computers on a peer-to-peer network;

"a) extract changes from a source database of each computer of the users" at col. 4, lines 11-16 where each of the replica machines extracts changes to create replica differentials;

"b) send changes from each of the user's computers in the peer-to-peer network to the initiating computer" at col. 4, lines 11-16 where each of the replica machines transfers extracted differentials to the master machine;

"c) replicate the changes from each of the databases of the user's computers onto the database of the initiating computer" at col. 4, lines 23-27 where the replica differentials from each of the replica machines are reflected to the master machine database;

"d) extract all of the changes from the database of the initiating computer" at Fig. 1, element 2 and col. 4, lines 15-23 where master database differentials since last synchronization is extracted;

"e) send the changes to each of the user's computers in the peer-to-peer network" at Fig. 1, element 2 and col. 4, lines 28-38 where master database and replica databases differentials are sent to replica machines; and

"f) replicate the changes on a respective database of each of the users in order to synchronize all databases" at Fig. 1, element 2 and col. 4, lines 31-44 where master and replica differentials are reflected to the replica databases.¹⁰

The Applicants respectfully disagree for the reasons set forth below.

Contrary to the Examiner's statement, Kodama does not disclose a method for synchronizing databases of multiple users in a peer-to-peer network wherein one of the users is designated an initiating user. As stated above with respect to claim 1, the Applicants respectfully submit that equating a *peer-to-peer* database synchronization with synchronization between a database held by a *master* machine and a database held by *replica* machines is improper.

¹⁰ Office Action ¶ 2.

Also contrary to the Examiner's statement, Kodama does not disclose sending changes from each of the user's computers in the peer-to-peer network to the initiating computer. Claim 18 specifies that one of the computers in the peer-to-peer network is an initiating computer. The master computer in Kodama is not a computer on the peer-to-peer network. Thus, equating the master computer in Kodama with the initiating computer of claim 18 is improper.

Therefore, the 35 U.S.C. § 102 rejection of claim 18 based on Kodama is unsupported by the art and the 35 U.S.C. § 102 rejection should be withdrawn.

Claim 23

Claim 23 includes limitations similar to claim 18. Claim 18 being allowable, claim 23 must also be allowable for at least the same reasons.

The First 35 U.S.C. § 103 Rejection

Claims 2-3, 5, 7-12, 14-17, 19-22, and 24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kodama in view of Nixon et al.^{11 12} This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed

¹¹ U.S. Patent No. 6,704,737.

¹² Office Action ¶ 3.

combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹³

Claims 2-3 and 7-12

Claims 2-3 and 7-12 depend from claim 1 and thus include the limitations of claim 1. The arguments made above with respect to claim 1 apply here as well. The 35 U.S.C. § 102 rejection of claim 1 based on Kodama is unsupported by the art, as each and every element as set forth in claim 1 is not found in Kodama. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 2-3 and 7-12 based on Kodama in view of Nixon et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection should be withdrawn.

Claims 14-17

Claims 14-17 depend from claim 13 and thus include the limitations of claim 13. The 35 U.S.C. § 102 rejection of claim 13 based on Kodama is unsupported by the art, as each and every element as set forth in claim 13 is not found in Kodama. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 14-17 based on Kodama in view of Nixon et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection should be withdrawn.

Claims 19-22

Claims 19-22 depend from claim 18 and thus include the limitations of claim 18. The arguments made above with respect to claim 18 apply here as well. The 35 U.S.C. § 102

¹³ M.P.E.P § 2143.

rejection of claim 18 based on Kodama is unsupported by the art, as each and every element as set forth in claim 18 is not found in Kodama. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 19-22 based on Kodama in view of Nixon et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection should be withdrawn.

Claim 24

Claim 24 depends from claim 23 and thus includes the limitations of claim 23. The arguments made above with respect to claim 23 apply here as well. The 35 U.S.C. § 102 rejection of claim 23 based on Kodama is unsupported by the art, as each and every element as set forth in claim 23 is not found in Kodama. Therefore, the 35 U.S.C. § 103 rejection of dependent claim 24 based on Kodama in view of Nixon et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection should be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

The Second 35 U.S.C. § 103 Rejection

Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kodama in view of Nixon et al., and further in view of Lisiecki et al.^{14 15} This rejection is respectfully traversed.

¹⁴ U.S. Patent Publication 2002/0147774 by Lisiecki et al.

¹⁵ Office Action ¶ 4.

Claims 4 and 6 depend from claim 1 and thus include the limitations of claim 1. The arguments made above with respect to claim 1 apply here as well. The 35 U.S.C. § 102 rejection of claim 1 based on Kodama is unsupported by the art, as each and every element as set forth in claim 1 is not found in Kodama. Therefore, the 35 U.S.C. § 103 rejection of dependent claims 4 and 6 based on Kodama in view of Nixon et al. and further in view of Lisiecki et al. is also unsupported by the art. Thus, no prima facie case of obviousness has been established and the 35 U.S.C. § 103 rejection should be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

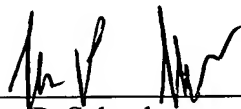
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: October 12, 2004



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